

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-204

April 1, 2003

MAINE PUBLIC UTILITIES COMMISSION
Imposition of Penalty Regarding Integretel, Inc.

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we accept an offer of \$10,000 from Integretel, Inc., to settle all outstanding violations of Chapter 297 of the Commission's rules by Integretel in association with complaints received by the Commission from consumers between January 24, 2002 and January 27, 2003.

II. BACKGROUND

On October 12, 2000, we granted Integretel's application for registration as a billing aggregator pursuant to Chapter 297 of our Rules. Section 3(B) of the Rule prohibits a billing aggregator from forwarding charges to a billing agent for a service or product offered by a service provider unless the service provider is properly registered. The Commission's Consumer Assistance Division (CAD) has received complaints from 14 customers regarding unauthorized charges appearing on their phone bills. The CAD's investigation of these complaints revealed that the charges were improperly placed on customers' phone bills by Integretel on behalf of service providers who are not registered with the Commission. Integretel does not dispute these facts.

In a letter dated March 13, 2003, Integretel offered to pay an administrative penalty of \$10,000 to resolve the pending violations. Staff discussed the settlement offer with Integretel and believes it is a fair resolution of the violations.

III. DECISION

Section 6(C) of Chapter 297 authorizes the Commission to assess a penalty of up to \$1,000 for each violation. In exercising such authority, we are required to take into account "the severity of the violation, including the intent of the violator, the nature, circumstances, extent and gravity of any prohibited acts, the history of previous violations, and the amount necessary to deter future violations."

We accept Integretel's settlement offer of \$10,000 as a fair resolution of the pending violations. Based upon discussions between Integretel and Staff and upon Integretel's willingness to voluntarily submit to this penalty, it appears that Integretel

takes these violations seriously and is attempting to remedy the situation. We expect that Integretel will make the necessary changes to its operations to ensure that no further violations occur.

Dated at Augusta, Maine, this 1st day of April, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the days of the date Commission may be taken to the Law Court by filing, within 30 of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.